

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the clarity and conciseness of the Office Action and for the citation of the references which have been studied with interest and care.

#### **Claim Rejections - 35 U.S.C. §§ 102 and 103**

Claims 1, 9, 10, 12 and 15-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al. (U.S. Patent No. 6,310,995).

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al.

Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al. in view of Oh et al. "Electrooptic Polymer Modulators Operating in Both TE and TM Modes Incorporating a Vertically Tapered Cladding".

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al. in view of Ridgway et al. (U.S. Patent Application Publication 2003/0059189).

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al.

For the reasons discussed below, it is respectfully submitted that the remaining and new claims are allowable.

#### **Allowable Subject Matter**

Claims 19 and 21 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claims 1 and 9 have each been rewritten to include the limitations of canceled claims 18 and 19. New independent claim 23 includes the limitations of original claims 1 and 21. New independent claim 24 includes the limitations of original claims 9 and 21. In view of Applicants' amendments, allowance of these independent claims and the claims dependent therefrom is respectfully requested.

**CONCLUDING REMARKS**

Applicants submit that the application is in condition for allowance. Concurrence by the Examiner and early passage of the application to issue are respectfully requested.

Any fees that are required in connection with this communication and not specifically provided for herewith are authorized to be charged to deposit account no. 50-0651. Any overpayments are also authorized to be credited to this account.

Respectfully submitted,



---

Peter L. Holmes  
Reg. No. 37,353  
Attorney for Applicants

April 6, 2004

**HENRICKS, SLAVIN & HOLMES LLP**  
840 Apollo Street, Suite 200  
El Segundo, California 90245-4737  
Telephone: (310) 563-1454  
Facsimile: (310) 563-1460